

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION

VOLVO TRADEMARK HOLDING )  
AKTIEBOLAGET, a Swedish corporation; )  
VOLVO CONSTRUCTION EQUIPMENT )  
NORTH AMERICA, INC., a Delaware )  
corporation; and CHAMPION ROAD )  
MACHINERY LIMITED, a Canadian )  
corporation, )

Plaintiffs, )

Vs. )

Civil No. 1:00CV238

AIS CONSTRUCTION EQUIPMENT )  
CORPORATION, a Michigan corporation; )  
CLM EQUIPMENT COMPANY, INC., a Texas )  
corporation; FUTURE EQUIPMENT )  
COMPANY, INC., a Texas corporation; and )  
CLARK MACHINERY COMPANY, an )  
Arkansas corporation, )

Defendants. )

VOLVO TRADEMARK HOLDING )  
AKTIEBOLAGET, a Swedish corporation, )

Plaintiff, )

Vs. )

Civil No. 1:01CV122

NUECES FARM CENTER, INC., d/b/a )  
NUECES POWER EQUIPMENT, a Delaware )  
corporation, )

Defendant. )

ORDER

**THESE MATTERS** are before the Court on the parties' responses providing their views for the further disposition of this matter based on the remand from the United States Fourth Circuit Court of Appeals.

The Court finds the most appropriate manner of carrying out the mandate of the Circuit is to allow the filing of motions for summary judgment.

**IT IS, THEREFORE, ORDERED** that on or before 45 days from entry of this Order, the Clark Machinery Company (Clark) may file a motion for summary judgment as to its claim that the Plaintiffs have violated the Arkansas Franchise Practices Act.

**IT IS FURTHER ORDERED** that on or before 45 days after the filing of Clark's motion for summary judgment, the Plaintiffs may file response thereto in which they may combine a cross-motion for summary judgment should they so desire.

**IT IS FURTHER ORDERED** that on or before 30 days after such filing, Clark may file a response to the cross-motion for summary judgment, if any.

**IT IS FURTHER ORDERED** that no brief may exceed 20 pages in length, double-spaced, using a font no smaller than 12. The parties are warned not to use footnotes in a smaller font in an attempt to circumvent the page limitation. Failure to abide by this directive will result in the pleading being stricken from the record.

**Signed: June 23, 2005**

A handwritten signature in dark ink, appearing to read 'L. H. Thornburg', written over a horizontal line.

Lacy H. Thornburg  
United States District Judge

